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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Richard LeGrand Gause,
Plaintiff,
v.
Unknown Indy, et al.,
Defendants.

No. CV-15-02514-JJT-ESW

ORDER

After the Court filed its Order (Doc. 122), the Court received four additional filings from Plaintiff. The Court issues the following orders with respect to those filings.

I. DISCUSSION

A. “Discovery Production” (Doc. 123)

Plaintiff's "Discovery Production" (Doc. 123) is a disclosure. Because Petitioner has not yet "used" the disclosure in this proceeding, the filing of the "Discovery Production" (Doc. 123) instead of a "Notice of Service" violates the Federal and Local Rules of Civil Procedure. Fed. R. Civ. P. 5(d); LRCiv 5.2. The filing (Doc. 123) will be stricken. The Court deems September 28, 2016 the date the disclosure was served.

B. “Motion Ordering Production” (Doc. 124)

Defendant Utterbeck stated that he served his response to Plaintiff's amended discovery request on September 22, 2016 in a "Notice of Service of Discovery Response" (Doc. 121) filed that same date. In his "Motion Ordering Production" (Doc. 124),

1 Plaintiff alleges that Defendant Utterbeck's response was insufficient. Plaintiff does not
2 certify that he attempted to resolve the matter with Defendant Utterbeck through personal
3 consultation and sincere effort before filing the Motion (Doc. 124). LRCiv 7.2(j). In
4 addition, Plaintiff's filing of a discovery motion instead of a request for a discovery
5 conference violates the Scheduling Order (Doc. 19 at 3). The Court will deny Plaintiff's
6 "Motion Ordering Production" (Doc. 124).

7 **C. "Motion Requesting that Discovery deadline be extended past October
8 14th 2016" (Doc. 125)**

9 Plaintiff timely requests the Court to extend the October 14, 2016 discovery
10 deadline. This is the first request for an extension of the discovery deadline. The Court
11 finds good cause in the record to grant a two week extension (to October 28, 2016).

12 **D. "Response to Defendants Sur-Reply to Second Motion to Amend" (Doc.
13 126)**

14 In the Court's Order (Doc. 122) docketed on September 29, 2016, the Court
15 granted Defendants Ende and Rojas' "Motion for Leave to File Sur-Reply to Plaintiff's
16 Second Motion to Amend (Doc. 88)" (Doc. 118). The Court allowed the sur-reply
17 because Plaintiff submitted for the first time his proposed Second Amended Complaint
18 with his reply (Doc. 107) to Defendants Ende and Rojas' opposition (Doc. 104) to his
19 "Motion Requesting Leave to make 2nd Amendment to complaint" (Doc. 88).

20 The Court has considered Plaintiff's "Response to Defendants Sur-Reply to
21 Second Motion to Amend" (Doc. 126), which was docketed after the Court's Order (Doc.
22 122). The Court's denial of Plaintiff's "Motion Requesting Leave to make 2nd
23 Amendment to complaint" (Doc. 88) is affirmed.

24 **II. CONCLUSION**

25 Based on the foregoing,

26 **IT IS ORDERED** striking Plaintiff's "Discovery Production" (Doc. 123).

27 **IT IS FURTHER ORDERED** denying "Motion Ordering Production" (Doc.
28 124).

29 **IT IS FURTHER ORDERED** granting Plaintiff's "Motion Requesting that

1 Discovery deadline be extended past October 14th 2016” (Doc. 125).

2 **IT IS FURTHER ORDERED** extending the discovery deadline to October 28,
3 2016. The dispositive motion deadline is extended to December 28, 2016. All other
4 orders and deadlines set forth in the Court’s Scheduling Order (Doc. 19) are affirmed.

5 **IT IS FURTHER ORDERED** affirming the Court’s denial of Plaintiff’s “Motion
6 Requesting Leave to make 2nd Amendment to complaint” (Doc. 88). (Doc. 122 at 8).

7 Dated this 30th day of September, 2016.

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11 Eileen S. Willett
12 United States Magistrate Judge
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